

IN RE: PETITION FOR ZONING VARIANCE
NW/S Southwark Bridge Way,
554' +/- SE of Thornton Road
(26 Southwark Bridge Way)
8th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-149-A

Anita M. Sybert
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an open projection (deck) with a rear yard setback of 9 feet in lieu of the required 11.25 feet and to amend the First Amended Partial Development Plan of Padonia Complex, Section 5, Lot 241, to allow construction of this projection outside of the building envelope, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 26 Southwark Bridge Way, is zoned D.R. 3.5 and is improved with a two-story brick and frame townhouse. Petitioner testified that she purchased the subject property one year ago and that two weeks prior to settlement she was advised that the rear deck had been built 2.25 feet closer to the rear property line than permitted. Petitioner filed the instant variance petition to allow the deck to remain as it is an asset to her use and enjoyment of the property. Ms. Sybert pointed out that the variance requested is minimal and would not adversely affect the health, safety and general welfare of the community. She further indicated that she has discussed the matter with her adjoining neighbors who have no objection to the relief requested.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of October, 1988 that the Petition for Zoning Variance to permit an open projection (deck) with a rear yard setback of 9 feet in lieu of the required 11.25 feet and to amend the First Amended Partial Development Plan of Padonia Complex, Section 5, Lot 241, to allow construction of this projection outside of the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

ANN M. SYBERT
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 24, 1988



Dennis F. Rasmussen
County Executive

Ms. Anita M. Sybert
26 Southwark Bridge Way
Lutherville, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
NW/S Southwark Bridge Way, 554' +/- SE of Thornton Road
(26 Southwark Bridge Way)
8th Election District - 3rd Councilmanic District
Anita M. Sybert - Petitioner
Case No. 89-149-A

Dear Ms. Sybert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. SYBERT
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-149-A

District: South Date of Posting: September 23, 1988

Posted for: Variance

Petitioner: Anita M. Sybert

Location of property: NW/S Southwark Bridge Way, 554' SE Thornton Road (26 Southwark Bridge Way)

Location of Sign: In front of 26 Southwark Bridge Way

Remarks: J. J. Haines Date of return: October 7, 1988

Posted by: J. J. Haines

Number of Signs: 1

Zoning Description

Beginning on the north west side of Southwark Bridge Way at the distance 554 feet Southeast of Thornton Road. Being lot no. 241 in the subdivision of Padonia Complex, Book No. 52 Folio 130. Also Known as 26 Southwark Bridge Way.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 10/29/88



Dennis F. Rasmussen
County Executive

Ms. Anita M. Sybert
26 Southwark Bridge Way
Lutherville, Maryland 21093

Re: Petition for Zoning Variance
CASE NUMBER: 89-149-A
NW/S Southwark Bridge Way, 554' SE Thornton Road
(26 Southwark Bridge Way)
8th Election District - 3rd Councilmanic District
Petitioner(s): Anita M. Sybert
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 11:00 a.m.

Dear Ms. Sybert:

Please be advised that \$111.65 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204, 45 minutes before

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 059035
DATE 10/21/88	ACCOUNT R-01-615-000	
AMOUNT \$ 111.65		
RECEIVED FROM: Anita M. Sybert		
FOR: Posting and Advertising	10/21/88 Hearing	
VALIDATION OR SIGNATURE OF CASHIER		
CASHIER	DATE	TIME

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

September 14, 1988



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-149-A
NW/S Southwark Bridge Way, 554' SE Thornton Road
(26 Southwark Bridge Way)
8th Election District - 3rd Councilmanic District
Petitioner(s): Anita M. Sybert
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 11:00 a.m.

Variance to permit an open projection (deck) with a rear yard setback of 9 feet in lieu of the required 11.25 feet and to amend the First Amended Partial Development Plan of Padonia Complex, Section Five, Lot No. 241 to allow construction of this projection outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-149-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B, 301.1, 504 (V.B.5.b. CDDP) To permit an open projection (deck) with a rear yard setback of 9 feet in lieu of the required 11.25 feet and to amend the First Amended Partial Development Plan of Padonia Complex, Section Five, Lot No. 241 to allow construction of this projection outside of the building envelope.

Need to find out if railings are necessary on existing deck if not, then to obtain variance. Deck is O.K. with Wellington Valley Homeowner's Association if Baltimore County approves. Prior owner had deck built.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Anita M. Sybert
Signature	Anita M. Sybert
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	26 Southwark Bridge Way 828-5014
(Type or Print Name)	Address Phone No.
Signature	Lutherville, Md. #21093
Address	City and State
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No.:	Name
	Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of October, 1988, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Sept. 29, 1988.

THE JEFFERSONIAN,

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number: 89-149-A
NW/S Southwark Bridge Way, 554' SE Thornton Road
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8th Election District - 3rd Councilmanic District
Petitioner(s): Anita M. Sybert
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 11:00 a.m.
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
9403 Sept. 28.

Post 05106
Reg # m20324
\$96.65

S. Zebe
Publisher

89-149-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
31st day of August, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner, Anita M. Sybert
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

September 12, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Anita M. Sybert

Location: NWS Southwark Bridge Way, 554' +/- SE of Thornton
Road, 26 Southwark Bridge Way

Item No.: 73

Zoning Agenda: Meeting of 8/30/88

Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly 9-13-88*
Planning Group
Special Inspection Division

NOTED &
APPROVED:

John F. O'Neill
Fire Prevention Bureau

/j1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ms. Anita M. Sybert
26 Southwark Bridge Way
Lutherville, Maryland 21093

RE: Item No. 73 - Case No. 89-149-A
Petitioner: Anita M. Sybert
Petition for Zoning Variance

Dear Ms. Sybert:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Aug 24 1988

Dear Mr. Haines,
Please consider me for an early hearing. I bought this house on Oct. 28th 1987 & found out a week before settlement that the deck may be out of variance. I have one year exactly to take care of this for the seller to pay for whatever is needed. Thank you very much.

Anita Sybert
26 Southwark Bridge Way
Lutherville, Md. 21093

Item # 73